



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,819	03/13/2001	Robert David Piotrowski	7984	2044
27752      7590      02/19/2008 THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION - WEST BLDG. WINTON HILL BUSINESS CENTER - BOX 412 6250 CENTER HILL AVENUE CINCINNATI, OH 45224				
EXAMINER CARTER, MONICA SMITH				
ART UNIT 3722		PAPER NUMBER		
MAIL DATE 02/19/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte ROBERT DAVID PIOTROWSKI, MOLLY CHRISTINE FINDLEY,  
CARYN ANNE CRAWFORD, and MICHELLE CAROLYN FABER

---

Appeal 2007-2098  
Application 09/804,819

---

**ORDER DISMISSING APPEAL**

---

On April 23, 2003, appellants filed a Notice of Appeal. On July 3, 2003, appellants filed their Appeal Brief. On September 12, 2003, the Examiner filed an Examiner's Answer in response to the Appeal Brief. On November 17, 2003, appellants filed a Reply Brief in response to the Examiner's Answer mailed on September 12, 2003. The Examiner considered the Reply Brief on November 24,

2003. The Board of Patent Appeals and Interferences, on May 13, 2004 gave an Appeal Number of 2004-1411. On January 12, 2006 a Merits Panel of the Board of Patent Appeals and Interferences remanded the application to the Examiner. The Examiner on August 24, 2006, the Examiner mailed a Supplemental Examiner's Answer, in which the Examiner entered a new grounds of rejection of claims 1-66 under 35 U.S.C. § 112, first paragraph for failing to provide an enabling disclosure. On April 20, 2007, the Board of Patent Appeals and Interferences gave an Appeal Number of 2007-2098. On September 4, 2007, the Examiner remailed the Supplemental Examiner's Answer. On November 5, 2007 appellants filed a Reply Brief, which the Examiner considered on November 20, 2007. The Board of Patent Appeals and Interferences, on February 4, 2008, attempted to assign a new Appeal Number of 2008-1600. On February 8, 2008, the Board of Patent Appeals and Interferences mailed an Order, Vacating Appeal Number 2008-1600 and reinstating Appeal Number 2007-2098.

It is noted that when the Examiner mailed the Supplemental Examiner's Answer on August 24, 2006, Appellants had two months from the mail date of the Supplemental Examiner's Answer to do one of two actions: 1) Request to reopen prosecution, or 2) maintain the appeal. See 37 CFR 41.50(a)(2). Since Appellants did not respond to the Supplemental Examiner's Answer of August 24, 2006 in a timely manner, the Appeal of all claims pending in this application is dismissed.

Appeal 2007-2098  
Application 09/804,819

While it is noted that appellants mailed a Reply Brief in response to the remailed Supplemental Examiner's Answer of September 4, 2007, on November 5, 2007, this Reply Brief is untimely. Accordingly, the appeal is dismissed.

Accordingly, it is

ORDERED that the appeal filed April 29, 2003, is dismissed.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: \_\_\_\_\_  
Dale M. Shaw  
Chief Appeals Administrator  
(571) 272-9797

cc: The Proctor & Gamble Company  
Intellectual Property Division – West Bldg.  
Winton Hill Business Center – Box 412  
6250 Center Hill Avenue  
Cincinnati, OH 45224

ewh/